

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

David Murray,	:	
	:	
Plaintiff	:	Civil Action 2:10-cv-00797
	:	
v.	:	Judge Marbley
	:	
City of Columbus, <i>et al.</i> ,	:	Magistrate Judge Abel
	:	
Defendants	:	

Scheduling Conference Order

On April 12, 2012, counsel for the parties participated in a telephone scheduling conference with me.

Plaintiff's motion for SUMMARY JUDGMENT IS MOOT. The parties agree that plaintiff's March 23, 2012 motion for summary judgment (doc. 46) is moot because the issues presented in it will be presented to the Court in plaintiff's motion to reconsider my April 5, 2012 Order (doc. 47) denying Lt. Murray's December 20, 2011 motion for the sanction of judgment (doc. 26). Accordingly, the Clerk of Court is DIRECTED to terminate March 23, 2012 motion for summary judgment (doc. 46) as MOOT because the same issue will be presented to the Court in plaintiff's motion to reconsider the Magistrate Judge's April 5, 2012 Order.

Plaintiff's memorandum in opposition (doc. 42) to the City's February 17, 2011 motion to dismiss (doc. 35) and his memorandum in opposition (doc. 43) to the FOP's February 17, 2011 motion to dismiss (doc. 36) confusingly also state in their captions

that they are motions for summary judgment. The same brief was filed three time, once as a motion for summary judgment-now moot-and twice as opposition to the defendants' motions to dismiss. NO MOTION FOR SUMMARY JUDGMENT IS NOW PENDING AND AWAITING DECISION. Plaintiff's motion for summary judgment has been withdrawn because it presents the same issue that will be placed before the Court in plaintiff's motion to reconsider the April 5, 2012 Order.

Motion to reconsider. Plaintiff is GRANTED an extension of time to and including April 30 to file his motion to reconsider the Magistrate Judge's April 5, 2012 Order.

s/ Mark R. Abel
United States Magistrate Judge